

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 2 April 2024

DOCKET NUMBER: AR20230010777

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show his rank/grade as staff sergeant (SSG)/E-6 vice sergeant (SGT)/E-5.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214, July 2015 to January 2023
- Military ID Card/Geneva Convention Card
- Amendment Separation Orders, 26 January 2023

FACTS:

1. The applicant states he received the rank of SSG/E-6 before his discharge. He has provided his Military ID card and amendment of his separation orders, both of which reflect his grade as SSG/E-6.

2. Review of the applicant's service records shows:

a. He enlisted in the Regular Army (RA) on 20 July 2015 and held military occupational specialty 31B, Military Police.

b. He served in a variety of assignments, was advanced to SGT/E-5 on 1 April 2019, and he reenlisted in the RA on 27 January 2020.

c. On 26 October 2022, as the expiration date of his term of service approached, Headquarters, U.S. Army Garrison, Fort Bliss published Orders 299-0615 reassigning him to the Transition Point for separation processing effective 26 January 2023. The Standard Name Line listed his rank as SGT.

d. On 31 December 2022, his Fort Bliss, TX, unit published Order 0003837866.00, Temporary Promotion to SSG/E-6, Effective Date: 01 December 2022 by authority of Army Regulation (AR) 600-8-19 (Enlisted Promotions and Reductions). The orders stipulated:

(1) Temporary Promotion Expiration Date: 2023-12-01 Temporary Condition: ALC (Advanced Leader Course) completion is required-E5.

(2) This promotion is temporary. Failure to meet the Temp Condition of this promotion by the Temp Promotion Expiration date will result in an automatic reduction to previous grade, on that date, without board action or appeal per AR 600-8-19. This temporary promotion will automatically change to a permanent promotion on the date the condition is met.

(3) Soldiers attending a requisite PME (Professional Military Education) course following approval of a temporary promotion who subsequently fail the course (except for compassionate reasons) will be reduced effective the date of the course failure. There will be no recoupment of pay and allowance and the Soldiers original grade entry date will be restored, effective date will be the day of the expiration date.

e. On 26 January 2023, Headquarters, U.S. Army Garrison, Fort Bliss published Orders 026-0525 amending Order 299-0615, reassigning him to the Transition Point for separation processing effective 26 January 2023. The Standard Name Line amended his rank from SGT to SSG.

f. There is no evidence in the applicant's service records that shows he completed the required military education (ALC) stipulated in his temporary promotion order.

g. The applicant was honorably discharged from active duty on 26 January 2023. His DD Form 214 shows he completed 7 years, 6 months, and 7 days of active service. His DD Form 214 shows in:

- Block 4a (Grade, Rate or Rank) and 4b (Pay Grade) SGT and E-5
- Block 12i (Effective date of Pay Grade) 2019-04-01

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence shows the applicant enlisted in the Regular Army on 20 July 2015, served in a variety of assignments, and was advanced to SGT/E-5 on 1 April 2019. Shortly before his separation, he was issued promotion orders to E-6 with a stipulation that he would complete the required professional military education. The orders stipulated that this is a temporary promotion with an expiration date of 1 December 2023, requiring completion of ALC (Advanced Leader Course). There is no evidence in the applicant's service records that shows he completed the required military education (ALC) as directed in

his temporary promotion order. As such, the Board determined his DD Form 214 correctly reflects the rank/grade of SGT/E-5.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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[Redacted]

[Redacted]

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

Army Regulation 600-8-19 (Enlisted Promotions and Reductions), 16 May 2019, prescribes policies and procedures governing promotions and reductions of Army enlisted personnel.

a. Paragraph 1-29, Noncommissioned Officer Professional Development System requirement for promotion and conditional promotion: Development of the NCO corps is an essential element of the Army's institutional success. The policies set forth in this

regulation support the accumulation of training, education, and experiences while encouraging lifelong learning in an effort to develop NCO leader competencies. The intent is to achieve a synchronized relationship between NCOPDS and promotions that is deliberate, continuous, sequential, and progressive in order to produce competent, confident, and versatile leaders for a 21st Century Army. Except for promotions completed under the provisions of paragraphs 1-18, 1-19, 1-20, 1-22, 3-5, and 8-3, Soldiers (all components) must complete the following professional military education (PME) courses:

(1) Graduation of the Basic Leader Course (BLC) is a promotion requirement to SGT. Soldiers promoted per the provisions of paragraphs 3-5d and 3-5e are not required to complete NCOPDS in order to otherwise qualify for promotion pin-on

(2) Graduation of the Advanced Leaders Course (ALC) is a promotion requirement to SSG.

b. Paragraph 1-36 provides for temporary promotion. It states: The DCS (Deputy Chief of Staff), G-1 may, during specified periods designated in writing, authorize temporary promotions to the grade of SGT and above. A temporary promotion is a promotion to the next higher grade that terminates on a specified date unless an established requirement is met. A temporary promotion authorized under this provision will remain until such time the condition is met, at which point the promotion is permanent, or the promotion expires, whichever occurs first. Temporary promotions that expire require the Soldier to revert to their former grade. There will be no recoupment of pay and allowance and the Soldier's original date of rank and effective date will be restored. A noncommissioned officer evaluation report (NCOER) will be completed and made a matter of record if otherwise required by competent authority.

(1) Promotion instruments will include the following statement: "This promotion is temporary and will terminate on the date shown unless the following condition is met before the termination is made: ..." The order will identify the condition (such as graduation from a specified NCOPDS course).

(2) The Soldier must not be flagged and otherwise eligible for promotion (para 1-10). Obligated service that may be incurred as a result of the promotion is not applicable until such time the temporary promotion is permanent.

c. Paragraph 3-18, Military Education. Advance Leaders Course. Soldiers competing for selection to SSG do not receive promotion points for completion of ALC (ALC completion is a requirement to fully qualify for promotion to SSG). For Soldiers in possession of a DA Form 1059 and no course graduate entry in ATRRS, eMILPO, and/or EDAS, a copy of the DA Form 1059 must be sent to the Commander, U.S. Army Human Resources Command, 1600 Spearhead Division Avenue, Fort Knox, for

validation and inclusion into ATRRS and up-date of appropriate MEL (Military Education Level) and MES codes in the TAPDB or applicable system. Graduation of ALC must be made a matter of record no later than the 8th calendar day of each board month in order to fully qualify the Soldier, and ensure consideration, for promotion to SSG.

//NOTHING FOLLOWS//